



Transport  
Canada

Safety and Security  
Road Safety and Motor  
Vehicle Regulation  
330 Sparks Street  
Tower C  
Ottawa, Ontario  
K1A 0N5

Transports  
Canada

Sécurité et sûreté  
Sécurité routière et  
réglementation automobile  
330 rue Sparks  
Tour C  
Ottawa (Ontario)  
K1A 0N5

DEPT. OF TRANSPORTATION

01/02/99 11:03:03

Your file      Votre référence

Our file      Notre référence

December 30, 1998

FMCSA-00-7958-5

Mr. George Reagle  
Associate Administrator  
Office of Motor Carriers  
Federal Highway Administration  
U.S. Department of Transportation  
400 - 7<sup>th</sup> Street S.W.  
Washington, D.C.  
20590 USA

Dear Mr. Reagle:

This is in reference to your letter dated December 24, 1998, concerning reciprocity between the United States of America and Canada on medical fitness requirements for operators of commercial motor vehicles (CMVs). As noted in your letter, representatives of your department and Transport Canada have been discussing this issue through the Land Transportation Standards Sub-committee pursuant to the North American Free Trade Agreement.

Transport Canada has reviewed the medical provisions of the Federal Motor Carrier Safety Regulations (FMCSRs) and has determined they are equivalent to the medical fitness requirements contained in the National Safety Code (NSC).

As noted in your letter, the prohibitions from qualifying drivers to operate that do not meet certain minimum standards for vision that are contained in the FMCSRs are equivalent to the provisions of the NSC.

As you are aware, the NSC allows for individual assessment of insulin-using diabetics and permits some insulin-using diabetics to operate CMVs in Canada. In the U.S., insulin-using diabetics are prohibited from operating CMVs. However, in order that equivalency is maintained, Transport Canada and the FHWA agree that insulin-using diabetics from either country will not be qualified to operate in the other country.

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Canada

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With respect to hearing-impaired individuals, the FMCSRs prohibit individuals from operating CMVs who can not hear a forced whispered voice at certain specified levels. The NSC also contains equivalent criteria for operators of passenger and emergency vehicles or operators transporting dangerous goods, but has no hearing requirements for straight or articulated trucks. In order to maintain equivalency, Transport Canada and the FHWA agree that hearing-impaired drivers from Canada who do not meet the hearing requirements in the FMCSRs will not be qualified to operate a CMV in the United States. United States drivers who do not meet the hearing requirements in the FMCSRs are not qualified to operate a CMV in Canada.

The FMCSRs prohibit from driving an individual who has an established medical history or clinical diagnosis of epilepsy, while the NSC may allow drivers who are seizure free for 10 years and either on or off medication to operate any class of vehicle. To ensure equivalency of medical fitness, Transport Canada and the FHWA agree that Canadian drivers who have a diagnosis of epilepsy are not qualified to operate a CMV in the U.S. Similarly, U.S. drivers who have an established medical history or clinical diagnosis of epilepsy are not qualified to operate a CMV in Canada.

Both countries further agree that Canadian drivers who do not meet the medical provisions in the NSC but may have a waiver issued by one of the Canadian provinces or territories would not be qualified to operate a CMV in the United States. Similarly, as noted in your letter, United States drivers who do not meet the requirements of the FMCSRs but have a waiver or have been granted grandfather rights by the FHWA or a state would not be qualified to operate a CMV in Canada.

Both countries agree to adopt an identifier code to be displayed on the licence and the driving record to identify a commercial driver who is not qualified or disqualified from operating a commercial vehicle in the other country. This identifier is to be mutually agreed upon within twelve (12) months of signing this agreement, and will be implemented by both countries within twenty-four (24) months thereafter.

As of the effective date of this agreement, Canadian drivers operating in the United States will no longer be required to carry a medical fitness card. Should the United States merge its medical fitness determination into its Commercial Driver's Licence (CDL) process, Canada agrees to accept the United States CDL as proof of medical fitness without further negotiation between the countries .

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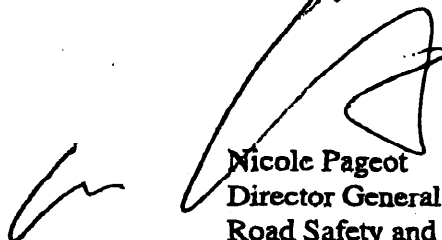
Both countries agree to provide to the other country timely notification of any changes to their medical standards for the purpose of reviewing and ensuring the continued equivalency of the standards. This agreement may be amended at any time by the agreement of both countries. Any amendment will be effective upon the exchange of letters. The provisions of this letter are severable and subsequent exchanges shall not constitute an abrogation of the entire agreement.

Either party to this agreement may, at any time, give notice in writing to the other party of its decision to terminate the agreement. Such termination shall take effect one hundred and eighty (180) days after such notice.

Your letter and this response constitutes an understanding between our Governments. The effective date of this agreement is 90 days after your receipt of this response. Furthermore, Transport Canada and the FHWA agree to notify their respective drivers and enforcement officials by letter prior to the effective date.

I look forward to continued cooperation between the United States and Canada in working towards improvements in commercial vehicle safety.

Sincerely,



Nicole Pageot  
Director General  
Road Safety and  
Motor Vehicle Regulation



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

DEC 24 1998

400 Seventh St., S.W.  
Washington, D.C. 20590

Refer to: HCS-20

Ms. Nicole Pageot  
Director General, Road Safety  
and Motor Vehicle Regulation  
Transport Canada  
Ontario, Canada K1A0N5

Dear Ms. Pageot:

This letter constitutes the official position of the United States, pursuant to the provisions of the North American Free Trade Agreement (NAFTA) to agree on a work plan to achieve reciprocity between the two nations on medical fitness requirements for operators of commercial motor vehicles (CMV). The Federal Highway Administration (FHWA) is delegated authority to establish medical fitness requirements for CMV operators in the United States (U.S.) through the Federal Motor Carrier Safety Regulations (FMCSRs). Representatives of Transport Canada and the Department of Transportation are coordinating this issue under the auspices of the Land Transportation Standards Subcommittee (LTSS).

The FHWA has reviewed the medical provisions of the Canadian National Safety Code for Motor Carriers (NSC) and has determined they are equivalent to the medical fitness regulations in the FMCSRs. It is also our understanding, based on the assurance of Transport Canada that all Canadian Provinces and Territories, with the exception of Saskatchewan, have now implemented the NSC "Medical Standards for Drivers." Transport Canada has indicated that Saskatchewan is currently reviewing its medical standard for CMV drivers. Conversely, Transport Canada has reviewed the medical fitness regulations in the FMCSRs and has determined they are equivalent to the medical provisions in the NSC.

The absolute prohibition from driving by an individual who does not meet the minimum standard for vision in the FMCSRs is equivalent to the provisions of the NSC. Although the FMCSRs contain an absolute prohibition against qualifying insulin-using diabetics to operate CMVs in the U.S., the NSC allows for individual assessment of insulin-using diabetics and allows some insulin-using diabetics to operate CMVs in Canada. The U.S. has granted grandfather rights to approximately 100 insulin-using diabetics that participated in a terminated waiver program to operate in interstate commerce. To maintain the equivalency of the FMCSRs and the NSC in the qualification of diabetic drivers, the FHWA and Transport Canada agree that insulin-using diabetics from either country will not be qualified to operate in the other country. The U.S. and Canada agree to notify affected drivers by letter that they will not be able to drive a CMV in trans-border operations.

The FMCSRs prohibit from driving an individual who can not hear a forced whispered voice in the better ear at not less than five feet with or without a hearing aid, or who has an average hearing loss in the better ear greater than 40 decibels at 500, 1,000, 2,000 hertz. Moreover, recent FHWA research to evaluate its hearing requirement and the role of driver hearing in CMV operations concluded that the FHWA hearing requirement is necessary. Although the NSC has an equivalent hearing requirement for drivers operating passenger and emergency vehicles or transporting dangerous goods, it has no hearing requirements for straight or articulated trucks. To ensure equivalency of medical fitness for operators of CMVs between the U.S. and Canada, the FHWA and Transport Canada agree that hearing-impaired drivers from Canada who do not meet the hearing requirements in the FMCSRs will not be qualified to operate a CMV in the U.S.. Canada agrees to notify affected drivers by letter. U.S. drivers who do not meet the hearing requirements in the FMCSRs are not qualified to operate CMVs in interstate commerce and therefore, are not authorized to operate CMVs in Canada.

The FMCSRs prohibit from driving an individual who has an established medical history or clinical diagnosis of epilepsy. The NSC, however, allows drivers who have epilepsy and who have been seizure free for 10 years, on or off medication, to operate CMVs in Canada. To ensure equivalency of medical fitness for operating CMVs between the U.S. and Canada, the FHWA and Transport Canada agree that Canadian drivers who have a diagnosis of epilepsy will not be qualified to operate CMVs in the U.S.. Canada agrees to notify affected drivers by letter. U.S. drivers who have an established medical history or clinical diagnosis of epilepsy are not qualified to operate CMVs in interstate commerce and therefore are not authorized to operate CMVs in Canada.

The FHWA and Transport Canada further agree that Canadian drivers who do not meet the medical provisions in the NSC but may have a waiver issued by one of the Canadian Provinces or Territories would not be qualified to operate a CMV in the U.S.. Similarly, drivers in the U.S. who do not meet the FMCSRs but have been waived or granted grandfather rights by the FHWA or a State would not be qualified to operate a CMV in Canada. Canada and the U.S. agree to notify affected parties.

Both countries agree to adopt an international identifier code to be displayed on the license and the driving record to identify a commercial driver who is not qualified or disqualified from operating outside the borders of his or her country. This code will be mutually agreed upon within 12 months of the effective date of this agreement, and implemented in both countries within 24 months thereafter.

By this grant of reciprocal status, Canadian drivers who meet the medical provisions in the NSC and who operate a commercial vehicle in the U.S. will no longer be required to carry a medical fitness card as of the effective date of this agreement. If at any time in the future, the U.S. shall take steps to merge its medical fitness determination into its commercial driver's license (CDL) process, Canada agrees to accept the U.S. CDL as proof of medical fitness without further negotiation between the countries.

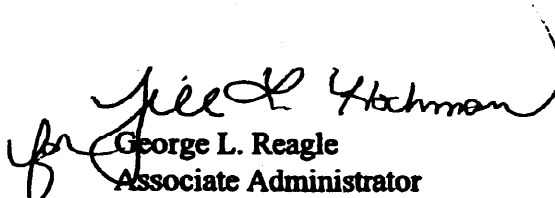
Both countries agree to provide to the other country timely notification of any changes to its medical standards for the purpose of reviewing and ensuring the continued equivalency of the standards. This agreement may be amended at any time by the agreement of both countries, which will be effected upon the exchange of letters. The provisions of this letter are severable and subsequent exchanges shall not constitute an abrogation of the entire agreement.

Either party to this agreement may, at any time, give notice in writing to the other party of its decision to terminate the agreement. Such termination shall take effect one hundred eighty (180) days after such notice.

I propose that if the foregoing is acceptable to the Government of Canada, this letter and your confirmatory reply constitute an understanding between our Governments. This agreement will be effective 90 days after exchanging letters of agreement. This will allow time for notification to necessary parties.

I look forward to continued cooperation between the U.S. and Canada concerning the compatibility of commercial driver systems, as well as all other aspects of CMV safety.

Sincerely yours,

  
George L. Reagle  
Associate Administrator  
for Motor Carriers

FHWA:HCS-20:SZywokarte:ltw:62987:9/21/98 Revised: 11/04/98, 11/17/98  
cc: HCS-RF, HCS-20RF, HCS-20(Zywokarte) HMT-1 HSA-1 HIR-1  
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